

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL R. MYERS,

Plaintiff,

v.

BARACK H. OBAMA, President of the
United States, and BOEING COMPANY,

Defendants.

CASE NO. C12-179 MJP

ORDER ON PLAINTIFF'S MOTION
TO DISMISS WITHOUT
PREJUDICE

This matter comes before the Court on Plaintiff's motion to dismiss without prejudice.
(Dkt. No. 50.)

Under Rule 41(a)(1), a plaintiff has an absolute right to voluntarily dismiss his action prior to service by the defendant of an answer or a motion for summary judgment. Fed. R. Civ. P. 41(a)(1); see also Concha v. London, 62 F.3d 1493, 1506 (9th Cir. 1995). Even if the defendant has filed a motion to dismiss, a plaintiff may terminate his action voluntarily by filing a notice of dismissal. Id. Here, Plaintiff Michael Myers ("Myers") has filed a motion for summary judgment, but Defendants have only filed motions to dismiss. Therefore, Myers has a

1 right to voluntarily dismiss his action without prejudice. Even though the Court finds it difficult
2 to understand Myers's reasons for dismissal and despite the valid issues raised by Defendants'
3 briefing, Myers's right to dismiss is absolute. As such, the Court GRANTS Plaintiff's motion to
4 dismiss without prejudice. Defendants' pending motions to dismiss (Dkt. No., 34 and 35) and all
5 other pending motions are therefore moot.

6 The clerk is ordered to provide copies of this order to all counsel.

7 Dated this 30th day of July, 2012.

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9 Marsha J. Pechman
10 United States District Judge
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